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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPEAL NO.272 OF 2006

The Commissioner of Central
Excise & Customs ..Appellant

Vs.
M/s.Gujarat Sico Textiles P.Ltd...Respondents

Mr. R.V.Desai, Senior Counsel with Mr. K.R. Chaudhari and Mr. R.C. Master for the Appellant.
Mr. Madhur R. Baya, for the respondents.

CORAM: F.I. REBELLO &
J.P.DEVADHAR,JJ.
DATED: 2ND AUGUST, 2007

P.C.:

. Matter not on board. With the consent of parties taken on board and heard forthwith.

2. The Revenue had relied on the judgment of the Tribunal. The Apex Court has since then decided the matter which is reported in **Virlon Textile Mills Ltd. vs. Commissioner of C.Ex. Mumbai, 2007 (211) E.L.T. 353 (S.C.).** In view of the said judgment the question of law as framed will not survive. Hence Appeal is dismissed.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**